

No. PD-1066-17

STATE OF TEXAS,
Appellant-Petitioner

v.

DAI'VONTE E'SHAUN TITUS ROSS,
Appellee-Respondent

§ IN THE TEXAS COURT
§ COURT OF CRIMINAL APPEALS
§ 2/26/2018
§ DEANA WILLIAMSON, CLERK
§ OF CRIMINAL APPEALS
§
§
§ AUSTIN, TEXAS

STATE'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF ON THE MERITS

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

NOW COMES the State of Texas, by and through Nicholas "Nico" LaHood, Criminal District Attorney of Bexar County, Texas, and the undersigned assistant criminal district attorney, with the filing of this motion asking the Court to extend the time for filing the State's Brief in the above styled cause.

I. STATEMENT OF THE CASE

This court granted the State's petition for discretionary review on January 24, 2018. The State's brief was due February 23, 2018. This is the State's first request for an extension.

II. REASONS FOR THE REQUEST

First, the undersigned counsel is working on, or has completed, briefs in the following appeals:

- *Nash v. State*, No. 04-17-468-CR (filed 11/17/17);

- *State v. Lopez*, No. 04-17-00568-CR (filed 11/20/17);
- *Zuniga v. State*, No. 04-17-00058-CR (filed 12/5/17);
- *State v. Lopez*, No. 04-17-00568-CR, reply brief (filed 12/12/17);
- *In re L.J.T.*, No. 04-17-00567-CV (filed 12/21/17);
- *Briggs v. State*, No. PD-1359-17 (filed 12/21/17);
- *Kou v. State*, No. PD-1022-17, petition for discretionary review (filed 12/29/17);
- *In re S.R.V.*, No. 04-17-00556-CV (filed 1/5/18);
- *Harris v. State*, No. 04-16-00779-CR (filed 1/19/18);
- *Rodriguez v. State*, No. 04-17-00336-CR (filed 1/25/18);
- *Green v. State*, No. 04-17-00351-CR (filed 2/5/18);
- *Rhomer v. State*, No. PD-0448-17, brief on merits (filed 2/12/18);
- *Fazio v. State*, No. 04-17-00329-CR (due 2/12/18);
- *In re A.C.H.*, No. 04-17-00746-CV (due 2/19/18);
- *State v. Ross*, PD-1066-17, brief on merits (due 2/23/18);
- *Ex parte Herrera*, No. 04-18-00020-CR (due 2/26/18); and
- *Wirth v. State*, No. 04-17-00775-CR.

Second, the undersigned counsel was recently providing assistance in the trial courts for the following cases:

- *State v. Garcia*, No. 2014-CR-4168B (injury to a child, first degree);
- *State v. Gomez*, No. 2016-CR-8691 (murder);
- *State v. Gomez*, No. 2016-CR-8276A (capital murder);

- *State v. Watson*, No. 2016-CR-8276B (capital murder); and
- *State v. Hernandez*, No. 2017-CR-11271 (murder).

Third, the undersigned counsel was traveling with family during the Thanksgiving holiday and will be traveling with family during the Christmas holiday.

WHEREFORE, PREMISES CONSIDERED, Counsel for the State prays the Court grants an extension of time for an additional 15 days to file the brief in this case.

Respectfully submitted,

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/s/ *Nathan E. Morey*

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CERTIFICATE OF SERVICE

I, Nathan E. Morey, certify that a copy of the foregoing brief has been delivered by email to Mac Bozza and the Office of the State Prosecuting Attorney in accordance with Rules 6.3(a), 9.5(b), and 68.11 of the Texas Rules of Appellate Procedure.

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